

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6526 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ALKA INDUSTRIES

Versus

SPECIAL RECOVERY OFFICER

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Appearance:

MR RC KAKKAD for Petitioners

None present for Respondent No. 1

MR GT PAREKH for Respondent No. 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/01/99

ORAL JUDGEMENT

1. The respondent No.1 is not a necessary party for this Special Civil Application, and hence, his name is struck off from the cause title of the Special Civil Application.

2. Heard the learned counsel for the parties. Rule.

Shri Parekh waives service of rule on behalf of the respondent No.2. On joint request of learned counsel for parties this Special Civil Application is taken up for hearing. Though manifold contentions have been raised by the learned counsel for the parties in this matter, ultimately learned counsel for the parties have arrived at a consensus. The learned counsel for the petitioner submits that he has no objection if the orders passed by the Gujarat State Cooperative Tribunal at annexure "B", dated 5.1.1998 and annexure "C" dated 24.4.98 are quashed. In view of this consensus arrived at between the learned counsel for parties the aforesaid orders are quashed. The Tribunal is directed to decide the appeal, filed by the petitioner on merits in accordance with law.

3. Learned counsel for the petitioner submits that the interim relief which has been granted by this court in the Special Civil Application on 19.8.98 may be ordered to be continued till the decision on the appeal by the tribunal. I do not find any merit in this contention of the learned counsel for the petitioner for the reason that it is the discretion of the tribunal to grant or not to grant the interim relief in the appeal. As I do not consider the matter to be decided on merits on the question of grant or refusal of interim relief I do not express any opinion on merits on this issue. However, if the petitioners so desire, they may apply to the tribunal to grant interim relief, and in case such an application is made, the same shall be considered by the tribunal in accordance with law.

4. Special Civil Application and rule stand disposed of accordingly with no order as to costs. Interim relief granted earlier stands vacated.

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